

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 25, 1999**

## DIVISION ONE

B120595 People (Not for Publication)  
v.  
Ramirez

The enhancement imposed for firearm use (Pen. Code, § 12022.5, subd. (a)(1) is stricken. The conviction for making terrorist threats (*id.*, § 422) is reversed. In all other respects, the judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B124364 People (Not for Publication)  
v.  
Eulloqui

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

March 25, 1999-Continued

## DIVISION ONE (Continued)

B123826 People v. Clark (Not for Publication)

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The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B124203      Usmany      (Not for Publication)  
v.  
Esacove

The judgment is reversed. Plaintiff is to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B117246      Bell      (Not for Publication)  
v.  
Jewish Free Loan Association, et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B120451      Warner Park Associates, LLC.      (Not for Publication)  
                 v.  
                 Spectrum Securities, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                 Vogel (Miriam A.), J.

B124581      People      (Not for Publication)  
                 v.  
                 Travon W.

The order is affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                 Vogel (Miriam A.), J.

B122950      People      (Not for Publication)  
                 v.  
                 Adrian T.

The order is affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                 Vogel (Miriam A.), J.

March 25, 1999-Continued

## DIVISION ONE (Continued)

B122231 Kim (Not for Publication)  
v.  
Kim

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B128722      Sherman D.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The writ is denied.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B122974      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Paola W. and Oscar C.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B102747     Hill  
              v.  
              St. Andrew's Abbey et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

The court convened at 9:15 A.M.

Present: Fukuto, Acting P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B127237     Eells  
              v.  
              Dimbeld & Zelner

Merits:  
Argued by Thomas Eells, appellant in propria persona and by Charles Fonarow for respondent. Cause submitted.

B120581     Electro Lock, Inc.  
              v.  
              Motec Industries, Inc.

Merits:  
Argued by Steven Schuman for appellant and by Thomas Laffey for respondent. Cause submitted.

B119021     City of Whittier  
              v.  
              Magna

Merits:  
Argued by Timothy Coates for appellant and by Joseph Dzida for respondent. Cause submitted.

DIVISION TWO (Continued)

B118300     Bader  
              v.  
              Alexander

Merits:  
Argued by Franz E. Bader, appellant in propria persona. No appearance on behalf of respondent. Cause submitted.

B122175     Gormley  
              v.  
              Williams

Merits:  
Argued by Donald Cook for appellant and by Jeffrey Needelman for respondent. Cause submitted.

B114287     Aserco Inc.  
              v.  
              Bragg Investment Co.

Merits:  
Argued by James Russell for appellant and by J. Alan Frederick for respondent. Cause submitted.

B122784     Fisch  
              v.  
              United Spacrete Products, et al.

Merits:  
Argued by William Bloch for appellant and by James Thompson and Peter Nitschke for respondents. Cause submitted.

DIVISION TWO (Continued)

B120087     Berry  
              v.  
              National Railroad Passenger

Merits:  
Argued by Michael Hambly for appellant and by Carol Arnold for  
respondent. Cause submitted.

Justice Zebrowski leaves the bench.

B123314     Washington Mutual Bank  
              v.  
              Yee

Merits:  
Argued by Donald English for appellant and by David Dapper for  
respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva,  
Deputy Clerk.

B116513     People  
              v.  
              Toney

Merits:  
Argued by A. William Bartz for appellant and by Sunnie Lee, Deputy  
Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B122083     People  
              v.  
              Johnson

Merits:  
Argued by Katharine Greenebaum for appellant and by Scott Taryle,  
Deputy Attorney General for respondent. Cause submitted.

B122099     People  
              v.  
              Heriverto M.

Merits:  
Argued by Katherine Greenebaum for appellant and by Andrew Amerson,  
Deputy Attorney General for respondent. Cause submitted.

B126942     Dillingham Construction  
              v.  
              Superior Court, L.A. County  
              (County of L.A., r.p.i.)

Merits:  
Argued by Curt Cutting for petitioner and by Michael Simon for real party  
in interest. Cause submitted.

B113142     Ochoa  
              v.  
              Westinghouse Electric

Merits:  
Argued by Paul Brau for appellant and by Clay Robbins III for respondent.  
Cause submitted.



DIVISION TWO (Continued)

B107887      Midland National Life Insurance  
                 v.  
                 Hindin

Merits:

Argued by Peter Abrahams for appellant and by Ron Mallen for respondent.  
Cause submitted.

Judge Mallano (Assigned) leaves the bench.

B116551      Davis  
                 v.  
                 Ali-Brown

Merits:

Argued by Lennard Davis, appellant in propria persona and by Stephen Losh for respondent. Cause submitted.

B114145      Grayson  
                 v.  
                 County of L.A.

Merits:

Argued by Victoria King for appellant and by Melanie Lomax for respondent. Cause submitted.

Court adjourned.

March 25, 1999-Continued

DIVISION THREE

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                  Petersen, J. (Assigned)

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Petersen, J. (Assigned)

B119191 People (Not for Publication)  
v.  
Ruiz

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FOUR

B115422      Maldonado                      (Not for Publication)  
                 v.  
                 Greenspan

The judgment is affirmed. Costs are awarded to respondent.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                 Epstein, J.

B112913      Cortez                              (Not for Publication)  
                 v.  
                 County of Los Angeles

The judgment is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                 Epstein, J.

B128381      In Re Jenkins                      (Certified for Publication)  
                 on  
                 Habeas Corpus

The petition is granted and the trial court is directed to conduct a new trial.

Hastings, J.

We concur:    Epstein, Acting P.J.  
                 Curry, J.

DIVISION FOUR (Continued)

B119774      People                                  (Certified for Partial Publication)  
v.  
Valentine

The judgment is affirmed on counts one, two, and three, and reversed as to the true findings on the prior convictions. The cause is remanded for further proceedings in accordance with the views expressed in this opinion.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B122822 People (Not for Publication)  
v.  
Daniels

The judgment is modified to reflect a precommitment award of 267 days and a \$200 parole revocation fine, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting these modifications.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

B121232 People (Not for Publication)  
v.  
James

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FOUR (Continued)

B126743     Pitts  
              v.  
              S.C.L.A.  
              Tito's Tacos Mexican Restaurant

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B115919     Valanteen  
              v.  
              Alexandria Convalescent Hospital

Filed order denying petition for rehearing.

B115342     Safeco Insurance Co. of America  
              v.  
              Smith

Filed order denying petition for rehearing and request for depublication.

DIVISION FIVE

B113317     O.C. Patterson et al.  
              v.  
              E.I. Dupont De Nemours & Company, Inc. et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION FIVE (Continued)

B118676      People                                  (Certified for Partial Publication)  
v.  
Karen Oganessian

The judgment is modified to reflect the \$10,000 Penal Code section 1202.4, subdivision (b)(1) restitution fine discussed in the body of this opinion. In all other respects, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment consistent with this opinion. The superior court is then directed to deliver the corrected abstract of judgment to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

## DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B117722 People (Not for Publication)  
v.  
Sutherland

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

March 25, 1999-Continued

## DIVISION SIX (Continued)

B123403      People                                  (Not for Publication)  
v.  
Thompson

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Coffee, J.

B122675      Kolbe Foods, Inc.      (Not for Publication)  
v.  
Mirzai

The judgment is affirmed with costs to Kolbe.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Coffee, J.

B124466 Pasori (Not for Publication)  
v.  
Pasori

The appeal is dismissed. The parties shall bear their own costs on appeal.

Burke, J. (Assigned)

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

March 25, 1999-Continued

DIVISION SIX (Continued)

B121615 People (Not for Publication)  
v.  
Orozco

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                      Burke, J. (Assigned)

[illegible]

The judgment is affirmed. The parties shall bear their own costs on appeal.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

B119278      Gonzalez  
v.  
Hughes Aircraft Employees Federal Credit Union

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment) (Certified for Publication)

Filed order modifying dissent of Justice Yegan. (No change in the judgment) (Certified for Publication)